

SUMMARY OF THE ARIZONA MANDATORY E-VERIFY EXPERIENCE EVALUATION FINDINGS

This document summarizes the major findings and recommendations from a report authored by the Westat Corporation, dated December 2010 and entitled *Arizona Mandatory E-Verify Experience Evaluation Findings*. U.S. Citizenship and Immigration Services (USCIS) retained the services of Westat, a social science research firm, to evaluate the E-Verify Program. Westat has over 15 years of experience evaluating the E-Verify Program. In 2009, Westat conducted an independent evaluation of mandatory E-Verify use under Arizona state law to determine how the program was implemented and its effect on employers and employees, including program satisfaction and the protection of worker rights.

This case study was based on a sample of employers and employees in Arizona. The case study began with a stakeholder meeting in Arizona and included onsite visits and interviews. The employer sample of 126 participants was drawn from the E-Verify Transaction Database of employers in Arizona who received three or more Tentative Nonconfirmation (TNC) findings during January through May 2009. A sample of workers with TNCs was selected for each employer participating in the site visits. Of the 891 selected workers, a total of 160 were interviewed. Where appropriate, the report compared its findings to the results of the prior national Westat evaluation report, *Findings of the E-Verify Program Evaluation*, dated December 2009.

KEY FINDINGS

Implementation of E-Verify in Arizona

- **E-Verify Enrollment increased after passage of the Legal Arizona Workers Act (LAWA)** in July 2007. Employer enrollments in E-Verify during the study period peaked in January 2008, when 4,245 MOUs were signed. The average monthly rate of enrollments increased from 11 per month prior to LAWA to 110 per month after January 2008.
- **Mass media and professional associations were the most important information sources for employers learning about LAWA.** Other sources included letters from the Arizona state government, the website of the Arizona state government, company lawyers, and USCIS outreach, marketing, and webinars.
- **The majority of Arizona employers reported no problems with enrolling in E-Verify.**
- **The most frequent reason given by employers for not signing up for E-Verify prior to the effective date of LAWA (January 1st, 2008) was that they did not know about E-Verify.**

Employer Satisfaction with E-Verify and the Impact of E-Verify on Employers

- **The mandatory use of E-Verify by Arizona employers does not seem to have had a negative impact on employer satisfaction with the program.**
- **A majority of Arizona employers (79 of 125) said they would continue using E-Verify if it were not mandatory.**
- **As was true in the last national onsite study, not being permitted to use E-Verify to prescreen job applicants was frequently cited as a complaint.** Of the 71 Arizona employers that thought prescreening should be permitted, most employers indicated that prescreening would save them time and money.
- **Consistent with the national onsite study, some Arizona employers (27 of 90) indicated that the process of workers contesting TNCs is burdensome for their company in terms of time and costs** (i.e., managing and resolving cases and potentially losing workers).

Worker Rights and Responsibilities

- **Arizona employers appear to be doing a better job of protecting worker rights and not engaging in verification-related discriminatory practices than employers nationally.** Fewer Arizona employers were prescreening, and more were informing workers of TNCs, than those in the national sample. Similarly, Arizona workers were more likely than national workers to be given referral letters by their employers to resolve TNCs.
- **Most Arizona workers contesting TNCs were able to contact the Social Security Administration (SSA) or USCIS to resolve their problems easily.** Of the 38 workers who contacted SSA or USCIS to resolve TNCs, 32 found the process either easy or very easy.

Effect of a Mandatory E-Verify Program on Unauthorized Employment

- **The mandatory E-Verify Program in Arizona appears to have reduced unauthorized employment and the size of the undocumented population.** More than a third of interviewed workers said they knew people who had moved from Arizona to Mexico or planned to do so as a result of E-Verify.
- **More than a third of the workers (61 of 160) interviewed for this study who had received TNCs reported they were noncitizens without authorization to work in the United States at the time their cases were submitted to E-Verify.**

STUDY RECOMMENDATIONS

Westat's recommendations are summarized below. USCIS has noted in *italics* steps it has taken, or intends to take, to address these recommendations.

- **USCIS should test and evaluate ways to make it more difficult for workers without employment authorization to find work.**

Preventing unauthorized employment is the core purpose of the E-Verify program, and USCIS has undertaken a number of initiatives to strengthen E-Verify and to reduce fraud. For example, USCIS has expanded the E-Verify photo tool feature to include photographs from U.S. Passports and U.S. Passport Cards. USCIS is engaged in a pilot with the states of Mississippi and Florida to validate driver's license data from those states. USCIS is also developing the ability for workers to lock their own Social Security numbers if they suspect unauthorized and fraudulent use of their numbers in E-Verify.

- **Use additional media campaigns to disseminate accurate information about the benefits of E-Verify.**

USCIS recognizes the importance of public awareness and education to increase employer compliance and educate workers about their rights. USCIS has conducted national and local outreach campaigns using print media, television, online and radio advertisements, and billboards. Other mediums of public education include live presentations, panel discussions, conference participation, public and private webinars, and working with stakeholders such as local chambers of commerce, small business associations and other industries and groups. USCIS has also developed an employee initiative to include an [Employee Rights Toolkit](#) and produced a number of marketing materials for the "Know your Rights" campaign aimed at educating employees. Similar to the employer outreach campaigns, the employee outreach initiatives use online and radio advertisements. Many of these webinars and materials are provided in multiple languages.

- **Implement and evaluate a program that allows employers to prescreen job applicants to determine its impacts on discrimination of workers, employer satisfaction, and unauthorized employment.**

The E-Verify statute does not permit prescreening of job applicants through E-Verify. See section 404(d)(4)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a note.

- **Continue to expand outreach to workers that emphasizes the importance of updating their SSA and USCIS records when they update their names or their citizenship/work-authorization status.**

USCIS updated the [Guide to Naturalization](#) to encourage newly naturalized citizens to update their status with SSA. The E-Verify website's employee section also has a page called [Tips to Prevent a Tentative Nonconfirmation](#), which includes instructions on visiting SSA for name changes. These tips are further included in the Employee Rights webinar presentations. Workers can also use [Self Check](#), a new service of E-Verify that allows workers to check their work authorization status online before searching for employment so they can determine whether their records need to be updated.

- **Consider having employers input worker addresses in E-Verify so USCIS could use this information to directly inform workers of TNCs and how to contest them.**

USCIS has developed a feature in E-Verify that will allow for direct e-mail notifications of TNCs and other information to workers. The newly updated [Form I-9](#) includes an optional field for providing an e-mail address and if that field is collected and entered into E-Verify, an employee will be able to receive a TNC notification electronically. Providing an e-mail address is strictly voluntary and employers are still required to notify employees when there is a mismatch of information and a TNC is received.